

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
 )  
v. ) No. 3:07-CR-48  
 ) (Phillips)  
GERALD E. BURRELL )

**ORDER**

This matter is before the court on the *pro se* motion filed by defendant to dismiss Count One of the indictment on the basis of insufficient evidence. Inasmuch as the trial of this matter has not yet taken place, the court is not in a position to evaluate the sufficiency of the government's evidence as to Count One. Accordingly, defendant's motion is **DENIED** at this time, subject to renewal at trial.

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge